

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

PULTE HOMES OF NEW MEXICO,  
INC., a Michigan corporation; PULTE  
DEVELOPMENT NEW MEXICO, INC., a  
Michigan corporation,

Plaintiffs,

v.

CINCINNATI INDEMNITY COMPANY,  
an Ohio corporation; THE CINCINNATI  
INSURANCE COMPANY, an Ohio  
corporation; THE CINCINNATI  
CASUALTY COMPANY, an Ohio  
corporation; HDI GLOBAL SPECIALTY SE  
fka INTERNATIONAL INSURANCE OF  
HANNOVER, a New York corporation;  
SENTINEL INSURANCE COMPANY,  
LTD, a Connecticut corporation;  
GUIDEONE NATIONAL INSURANCE  
COMPANY, an Iowa corporation;  
COLORADO CASUALTY COMPANY, a  
New Hampshire corporation; OHIO  
SECURITY INSURANCE COMPANY, a  
New Hampshire corporation; DONEGAL  
MUTUAL INSURANCE COMPANY fka  
MOUNTAIN STATES MUTUAL  
CASUALTY COMPANY, a Pennsylvania  
corporation; ACE AMERICAN  
INSURANCE COMPANY, a Pennsylvania  
corporation; FIRST MERCURY  
INSURANCE COMPANY, a Delaware  
corporation; CENTURY SURETY  
COMPANY, an Ohio corporation; UNITED  
SPECIALTY INSURANCE COMPANY, a  
Delaware corporation; GEMINI  
INSURANCE COMPANY, a Delaware  
corporation; PELEUS INSURANCE  
COMPANY, a Virginia corporation;  
AMERICAN HALLMARK INSURANCE  
COMPANY OF TEXAS, a Texas  
corporation; CENTRAL MUTUAL  
INSURANCE COMPANY, an Ohio  
corporation; SOUTHERN INSURANCE

**CIVIL NO. 1:22-cv-00388-MV-SCY**

**STIPULATION TO DISMISS  
PLAINTIFFS' CLAIMS AGAINST  
DEFENDANT STARR INDEMNITY &  
LIABILITY COMPANY (ECF 1)**

COMPANY, a Texas corporation; NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, an Illinois corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a Pennsylvania corporation; STARR INDEMNITY & LIABILITY COMPANY, a Texas corporation; ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware corporation; CLARENDON NATIONAL INSURANCE COMPANY, as successor in interest by way of merger with Sussex Insurance Company fka as Companion Property and Casualty Insurance Company, a Texas corporation; KNIGHT SPECIALTY INSURANCE COMPANY, a Delaware corporation; FEDERATED MUTUAL INSURANCE COMPANY, a Minnesota corporation,

Defendants.

AND RELATED COUNTERCLAIM

**STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT STARR INDEMNITY & LIABILITY COMPANY (ECF 1)**

IT IS HEREBY STIPULATED by and between Plaintiffs PULTE HOMES OF NEW MEXICO, INC. and PULTE DEVELOPMENT NEW MEXICO, INC. ("Plaintiffs") and Defendant STARR INDEMNITY & LIABILITY COMPANY, by and through their respective attorneys of record, that Plaintiffs' claims against Defendant STARR INDEMNITY & LIABILITY COMPANY as asserted in Plaintiffs' Complaint (ECF 1) and any other claims that

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could have been asserted therein shall be dismissed with prejudice pursuant to FRCP 41(a)(1).

Each party shall bear their own attorneys' fees and costs.

Dated: March 9, 2023

PAYNE & FEARS LLP

Dated: March 9, 2023

MAYER LLP

By: /s/ Sarah J. Odia  
Scott S. Thomas, Bar No. 21-275  
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Attorneys for Plaintiffs

By: /s/ Ryan T. Goodhue  
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Attorneys for Defendant Starr Indemnity  
& Liability Company

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of March, 2023, a true and correct copy of **STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT STARR INDEMNITY & LIABILITY COMPANY (ECF 1)** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Jennifer Stephens  
Jennifer Stephens, an Employee of  
PAYNE & FEARS LLP

4874-4806-9974.1